IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
**THE HON'BLE MR JUSTICE R.SUBHASH REDDY**

**WRIT PETITION NO : 1392 of 1999**

Between:

Ambuja Reddy, W/o.Late Ramakrishna Reddy,
Aged:45 years, Hindu, Occ:Bank Officer,
R/o.Flat No.6, Pearl Apartments, Hyderabad-16.

**.... PETITIONER**

AND

1. Andhra Bank, rep. By its Branch Manager,
   Keshavapatnam Branch, Karimnagar District.

2. The Mandal Revenue Officer,
   Keshvapatnam, Karimnagar District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondent No.1 to correct the mistake of auctioning the petitioner's lands in Sy.Nos.867, Ac.5.27 gnts., in 873 Ac.1.09 gts, in 876 Ac.0.28. gnts, in 906 Ac.1.23 gnts and in Sy.No.915 Ac.1.39 gnts, situated at Maktha village, Molangoor, Keshavapatnam Mandal, Karimnagar District, declaring the auction notice published in Eenadu telugu daily dated 15-1-1999 at Karimnagar District in E.P.47 of 1990 on the file of the Senior Civil Judge, Karimnagar as erroneous and to verify the correct survey numbers of the Judgement-Debtors of M.Sudhakar Reddy and M.Dayakar Reddy and to mention correct extent of lands and its boundaries by taking the assistance and verifying the records from the 2nd respondent and to publish after rectifying the mistake of mentioning the petitioners land and to suspend the auction notice published in Eenadu Telugu Daily dt.15.1.1999 in Karimnagar District in E.P.No.47 of 1990 on the file of

Senior Civil Judge, Karimnagar.

**Counsel for the Petitioner : Mrs.T.H.SOWBHAGYA LAXMI**

**Counsel for the Respondent No.1 : MR.D.S.N.V.PRASAD BABU**

**Counsel for the Respondent No.2 : G.P. for Revenue.**

**The Court made the following Order:**

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This Writ Petition is filed seeking a Writ of Mandamus to direct the Andhra Bank, Kesavapatnam branch-first respondent herein, to correct the mistake with regard to survey numbers and extents before proceeding for auction, pursuant to auction notice published in "Eenadu" Telugu daily, dated 15.01.1999.

The first respondent is the plaintiff in O.S.No.151 of 1981 on the file of the Senior Civil Judge, Karimnagar. The said suit is filed by the Andhra Bank, Keshavapatnam Branch through its Manager against one Mr.Muppidi Sudhakar Reddy and others to recover the loan amount. It appears that the said suit was decreed, and in order to execute the said decree, the first respondent has filed Execution Petition No.47 of 1990. In execution proceedings, the lands in Survey Nos.865, 866, 867, 873, 876, 902, 906, 911/B, 915 were notified through public auction to recover the decretal amount. The petitioner claiming part of land in the above survey numbers, has filed this Writ Petition stating that the extents are wrongly notified and seeks relief for correction of the extents in the notice published for sale of lands. If the petitioner is claiming any land, out of the notified lands in execution proceedings in O.S.NO.151 of 1981, it is for the petitioner to object by filing appropriate application in execution proceedings. The notice for auction is consequent to the orders passed in execution proceedings in O.S.No.151 of 1981. In that view of the matter, the petitioner cannot question the same by filing a petition before this Court under Article 226 of the Constitution of India. If

the petitioner is having any valid objections in proposed sale of lands pursuant to notice issued in E.P.No.47 of 1990, the Civil Procedure Code itself provides remedy by filing appropriate application before the executing court. Under the circumstances, I do not find any valid ground to interfere for grant of relief as prayed for in this petition filed under Article 226 of the Constitution of India.

The Writ Petition is devoid of merits and is accordingly dismissed. However, it is made clear that if the petitioner is having any objection with regard to proposed sale, it is open for the petitioner to approach the competent Civil Court for taking necessary steps.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Manager, Andhra Bank, Keshavaptnam Branch, Karimnagar
2. The Mandal Revenue Officer, Keshavapatnam, Karimnagar District.
3. 2 CCs to G.P. for Revenue, High Court Buildings,
   High Court of A.P.(OUT).
4. 2 CD copies